

Barry I. Levy (BL 2190)
Matthew Litt
Shapiro, Beilly, Rosenberg, Aronowitz, Levy & Fox, LLP
225 Broadway - 13th Floor
New York, New York 10007
(212) 267-9020

*Counsel for Defendant, New York Newspaper
Printing Pressman's Union Local No. 2*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DANIEL PAULINO,

Plaintiff,

-against-

Docket No.:
05-cv-4647 (GBD)

THE NEW YORK PRESSMEN'S UNION NO 2 and
THE NEW YORK POST,

Defendants.

-----X

NOTICE OF MOTION TO DISMISS AND FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that upon (a) the Statement of Uncontested Facts Pursuant to Local Civil Rule 56.1, (b) the Declaration of Robert Costello (and accompanying exhibits), executed on July 28, 2005, (c) the Declaration of John Heffernan (and accompanying exhibits), executed on July 29, 2005, (d) the Declaration of Joseph Vincent (and accompanying exhibits), executed on August 1, 2005, and (e) Defendant's Memorandum of Law in Support of its Motion, Defendant, New York Newspaper Printing Pressmen's Union Local No. 2 (hereinafter referred to as "Local 2" or the "Union") will move before this Honorable Court at the United States District Court for

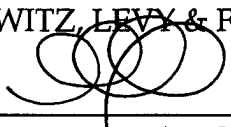
the Southern District of New York, located at 40 Centre Street, New York, New York 10007 on Monday, August 22, 2005 at 9:30 in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order (a) dismissing the Fourth Cause of Action (alleging a violation of COBRA) and the Seventh Cause of Action (alleging a breach of the duty of fair representation), pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and (b) granting the Defendant judgment as a matter of law and dismissing the First Cause of Action (alleging a violation of Title VII), Second Cause of Action (alleging a violation of NYSHRL §296), Third Cause of Action (alleging a violation of NYCHRL), Fifth Cause of Action (alleging a violation of Section 502 of ERISA) and the Sixth Cause of Action (alleging a violation of Section 510 of ERISA), pursuant to Rule 12(b)(6) and Rule 56 of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that opposing affidavits and memorandum of law must be served and filed pursuant to Local Civil Rule 6.1.

Dated: New York, New York
August 1, 2005

Respectfully submitted,

SHAPIRO, BEILLY, ROSENBERG,
ARONOWITZ, LEVY & FOX, LLP

By: 
Barry I. Levy (BL 2190)
225 Broadway, 13th Floor
New York, NY 10007
(212) 267-9020

*Counsel for Defendant, New York
Newspaper Printing Pressmen's Union
Local No. 2*